

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 541

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLE DRIVER'S LICENSES; AMENDING SECTION 49-303, IDAHO CODE, TO PROVIDE THAT THE STATE OF IDAHO SHALL NOT EXTEND FULL FAITH AND CREDIT TO CERTAIN OUT-OF-STATE DRIVER'S LICENSES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-315, IDAHO CODE, TO PROVIDE THAT A DRIVER'S LICENSE PHOTOGRAPH SHALL BE LIMITED TO A TWO-DIMENSIONAL PHOTOGRAPH, TO PROVIDE RESTRICTIONS ON CERTAIN MACHINE-READABLE CODES, TO PROHIBIT THE USE OF CERTAIN DEVICES OR TECHNIQUES THAT CAN TRANSMIT CERTAIN INFORMATION AND TO PROVIDE FOR CONSENT OR VOLUNTARY PARTICIPATION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-303, Idaho Code, be, and the same is hereby amended to read as follows:

49-303. WHAT PERSONS SHALL NOT BE LICENSED. The department shall not issue any driver's license, any instruction permit, privileges or right to drive and, if issued, may revoke or cancel the driver's license of a person who:

(1) As an operator of a vehicle requiring a class D driver's license, is under the age of seventeen (17) years, except that the department may issue a driver's license to any person who has successfully completed an approved driver's training course, has completed the requirements of a class D supervised instruction permit, and who is at least fifteen (15) years of age, with driving privileges restricted to daylight hours only except as provided in section 49-307(9), Idaho Code, and with full privileges at sixteen (16) years of age. The restriction of daylight hours only shall mean that period of time one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset. If a person who is at least fifteen (15) years but is under seventeen (17) years of age has successfully completed an approved driver's training course and has been issued a driver's license in another state, he may be issued a class D driver's license in this state. Provided however, that a restricted school attendance driving permit may be issued to those persons meeting the criteria set forth in section 49-307A, Idaho Code.

(2) As an operator of a vehicle requiring a class D driver's license, is under the age of seventeen (17) years and has not successfully completed an approved driver's training course and has not satisfied the requirements of a class D supervised instruction permit. Provided however, that a restricted school attendance driving permit may be issued to those persons meeting the criteria set forth in section 49-307A, Idaho Code.

(3) As an operator of a commercial vehicle requiring a class A, B or C driver's license is under the age of eighteen (18) years.

1 (4) Applicants with less than one (1) year of driving experience, as
 2 evidenced by a previous driver's license, shall not be issued a class A, B or
 3 C driver's license or a class A, B or C instruction permit.

4 (5) As a driver, has had his license, class D instruction permit,
 5 restricted school attendance driving permit, privileges or right to drive
 6 suspended for the duration of the suspension, nor to any person who has
 7 had his class D driver's training instruction permit or class D supervised
 8 instruction permit canceled for the duration of the cancellation, nor to any
 9 person whose license has been revoked, suspended, canceled or disqualified
 10 by this state or any other jurisdiction; provided however, where a
 11 driver's license has been revoked, suspended, canceled or disqualified
 12 in any other jurisdiction, and the driver has completed the period of
 13 revocation, suspension, cancellation or disqualification as specified by
 14 the jurisdiction, that person may be granted a class D driver's license in
 15 this state if five (5) years have elapsed from the time of eligibility for
 16 reinstatement in the other jurisdiction, even though the driver has not
 17 fulfilled the requirements for reinstatement in the other jurisdiction.

18 (6) Has been adjudged by a court of competent jurisdiction to be an
 19 habitual drunkard or addicted to the use of narcotic drugs, and such order
 20 has been received by the department.

21 (7) Has been adjudged by a licensed physician or by a court of competent
 22 jurisdiction to be afflicted with or suffering from any mental incompetence
 23 that would affect the person's ability to safely operate a motor vehicle and
 24 who has not at the time of application been restored to competency by the
 25 methods provided by law, and such order has been received by the department.

26 (8) Is required by the provisions of this chapter to take an
 27 examination, unless that person shall have successfully passed such
 28 examination.

29 (9) May be required under any law of this state to furnish proof of
 30 financial responsibility and who has not furnished that proof.

31 (10) The department has good cause to believe that the operation of
 32 a motor vehicle on the highways by that person would be harmful to public
 33 safety or welfare.

34 (11) Is disqualified for a class A, B or C driver's license, except he
 35 may be issued a class D driver's license.

36 (12) Is under eighteen (18) years of age and is not enrolled in school,
 37 has not received a waiver pursuant to or has not satisfactorily completed
 38 school as provided in section 49-303A, Idaho Code.

39 (13) Is not a resident of the state of Idaho.

40 (14) Is not lawfully present in the United States.

41 The state of Idaho shall not extend full faith and credit to out-of-state
 42 driver's licenses issued to any person not lawfully present in the United
 43 States.

44 SECTION 2. That Section 49-315, Idaho Code, be, and the same is hereby
 45 amended to read as follows:

46 49-315. LICENSES ISSUED TO DRIVERS. (1) The department shall issue
 47 to every qualifying applicant a distinguishing driver's license as applied
 48 for, which shall bear a distinguishing number assigned to the licensee, the
 49 full name, date of birth, Idaho residence address, sex, weight, height, eye

1 color, hair color, color photograph, name of this state, date of issuance,
2 date of expiration, license class, endorsements, restrictions, and the
3 applicant's signature. Driver's licenses for persons under eighteen (18)
4 years of age shall include a notation "under 18 until (month, day, year),"
5 and driver's licenses for persons eighteen (18) years of age to twenty-one
6 (21) years of age shall include a notation "under 21 until (month, day,
7 year)." No driver's license shall be valid until it has been signed on the
8 signature line of the license by the licensee.

9 (2) Every driver's license shall bear a color photograph of the
10 licensee, which shall be taken by the examiner at the time the application
11 is made. Such photograph shall be limited to a two-dimensional photograph
12 and no three-dimensional photograph shall be taken of an applicant. The
13 photograph shall be taken without headgear or other clothing or device that
14 disguises or otherwise conceals the face or head of the applicant. A waiver
15 may be granted by the department allowing the applicant to wear headgear
16 or other head covering for medical, religious or safety purposes so long
17 as the face is not disguised or otherwise concealed. At the request of the
18 applicant, a driver's license may contain a statement or indication of the
19 medical condition of the licensee. Any two-dimensional readable code on
20 or in the driver's license shall be limited to contain only the full name
21 of the individual and human-readable information on the licenses including
22 any code identifiers used to organize such data. No driver's license shall
23 employ any device or technique that can transmit information to any distance
24 from the license without the express consent or voluntary participation of
25 the license bearer.

26 (3) The department shall notify the commercial driver license
27 information system that a class A, B or C driver's license has been issued as
28 required by 49 CFR parts 383 and 384.

29 (4) A licensee applying for a hazardous material endorsement on a
30 driver's license shall have a security background records check and shall
31 receive clearance from the federal transportation security administration
32 before the endorsement can be issued, renewed or transferred as required
33 by 49 CFR part 383, subject to procedures established by the federal
34 transportation security administration.

35 (5) A licensee who desires to donate any or all organs or tissue in the
36 event of death, and who has completed a document of gift pursuant to the
37 provisions for donation of anatomical gifts as set forth in chapter 34, title
38 39, Idaho Code, may, at the option of the donor, indicate this desire on the
39 driver's license by the imprinting of the word "donor" on the license. The
40 provisions of this subsection shall apply to licensees sixteen (16) years
41 of age or older but less than eighteen (18) years of age if the requirements
42 provided in chapter 34, title 39, Idaho Code, have been complied with and the
43 donor indicates this desire be placed on the license.

44 (6) A licensee who is a person with a permanent disability may
45 request that the notation "permanently disabled" be imprinted on the
46 driver's license, provided the licensee presents written certification
47 from a licensed physician verifying that the licensee's stated impairment
48 qualifies as a permanent disability according to the provisions of section
49 49-117, Idaho Code.